

IN RE: DOCKET NO. 92-199-E  
Application of Board of Public Works,  
City of Gaffney for a Certificate of  
Public Convenience and Necessity for  
Extension of Electric Distribution  
System.  
  
DOCKET NO. 92-314-E  
Broad River Electric Cooperative,  
Inc.,  
  
Complainant/Petitioner,  
  
vs.  
  
The Board of Public Works,  
City of Gaffney,  
  
Defendant/Respondent.

This matter is before the Public Service Commission of South Carolina (the Commission) on Broad River Electric Cooperative, Inc.'s (BREC's) Motion to Consolidate and Petition for a Preliminary Cease and Desist Order. After thorough consideration of the motions and response, the Commission grants the Motion to Consolidate and denies the Petition for a Preliminary Cease and Desist Order.

BREC requests that the Commission consolidate its complaint action against the Board of Public Works, City of Gaffney (Gaffney) with Gaffney's proceeding for Issuance of a Certificate of Public Convenience and Necessity. BREC asserts that the two proceedings relate to common subject matter, have identical legal issues, involve identical property and parties,<sup>1</sup> and that the ends of justice will be served by consolidation of the matters. By letter dated July 6, 1992, Gaffney states that it does not oppose the Motion to Consolidate. In the interest of administrative economy, the Commission concludes that BREC's Motion to Consolidate should be granted.

BREC requests the Commission issue a Preliminary Cease and Desist Order which restrains Gaffney from further construction of any electrical lines or operation of electrical service in unassigned territory, particularly on the premises of Charles A. Copeland, pending final disposition of the issues in this proceeding. Further, BREC requests that the Commission order Gaffney to disconnect its electrical service to the Copeland premises or, alternatively, that the proceeds from the sale of electricity to the Copeland premises be escrowed by Gaffney until final disposition of this proceeding. BREC asserts its Petition for a Preliminary Cease and Desist is necessary because Gaffney is serving the Copeland premises in violation of the Territorial

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1. The Commission recognizes that Duke Power Company is an intervenor in Gaffney's Application for a Certificate of Public Convenience and Necessity.

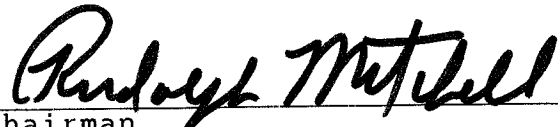
Assignment Act, S.C. Code Ann. §52-27-610 et. seq. (1976).

By Order No. 92-277, Docket No. 92-199-E (April 16, 1992), the Commission approved Gaffney's request to provide temporary electrical service to the Copeland premises pending the Commission's decision on Gaffney's Application for a Certificate of Public Convenience and Necessity. Accordingly, the Commission denies BREC's Petition for a Preliminary Cease and Desist Order requiring Gaffney to remove its electrical lines and cease providing electrical service to the Copeland premises. The Commission will address BREC's request for any damages it may incur by Gaffney's temporary provision of electrical service in its final order in this matter.

IT IS THEREFORE ORDERED:

1. BREC's Motion to Consolidate is granted. Accordingly, Docket Nos. 92-199-E and 92-314-E are hereby consolidated.
2. BREC's Petition for a Preliminary Cease and Desist Order is denied.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
VICE Chairman

ATTEST:

  
Deputy Executive Director

(SEAL)